

**AUCTIONEER BOARD
MADISON, WISCONSIN
MINUTES
OCTOBER 22, 2001**

PRESENT: Ron Bast, Marie Kohlbeck, Richard Lust, Robert Massart, and Marie Skic

EXCUSED: Robert Brandau and Mark Shain

STAFF PRESENT: Cletus Hansen; Division of Enforcement auditors

CALL TO ORDER

The meeting was called to order at 9:16 a.m. by Richard Lust, Chair, upon confirmation that the public notice was timely given. A quorum of five members was present.

AGENDA

MOTION: Ron Bast moved, seconded by Marie Kohlbeck, to adopt the agenda, as published. Motion carried unanimously.

MINUTES (8/27/01)

MOTION: Marie Kohlbeck moved, seconded by Marie Skic, to approve the minutes, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Oscar Herrera

Oscar Herrera was out of town and not available for the meeting.

Cletus J. Hansen

- **Roster**

Noted

- **Meeting Dates for 2001**

Richard Lust requested that the November Screening Panel date be changed from November 12, 2001 to November 19, 2001. The other dates were accepted.

To-Do List

Noted

- **Summary of Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules**

Noted

- **To-Pass Folder**

Noted

LEGISLATIVE UPDATE

LRB-1135/2 Temporary Registration, Advertising, Auction-Related Services While Suspended or Revoked

Clete Hansen advised the Board that this bill is in the legislative process. It remains to be seen whether the Department and the Board will be successful in getting it passed during the current session.

Law Revision Bill

The Board noted that the Law Revision Committee had rejected a provision relating to auctioneers. This provision relates to filing an application at least 30 days before the examination.

Biennial Budget Bill

The Board noted the increase in original registration fees and registration renewal fees.

ADMINISTRATIVE RULES

Mandatory Continuing Education

The Board noted copies of correspondence between Secretary Oscar Herrera and Jack Hines of Hines Auction Service, Inc. The Board also noted a Legislative Contact Report concerning continuing education for auctioneers. The Board reviewed a rule draft submitted by Clete Hansen.

Motion: Robert Massart moved, seconded by Marie Skic, to recommend to the Department that the rule draft be sent to the Rules Clearinghouse after Clete Hansen revises the draft to include “videotape” in the definition of “distance learning,” to state that 6 hours of continuing education be required each biennium (the contents to be determined by the Department every two years no later than January 1 of each odd-numbered year, and that a test be given at the end of each course, consisting of 5 multiple-choice questions for each hour of instruction. Motion carried with a 3 to 1 vote. (Ron Bast voted against the motion, but only as pertaining to the exam at the end of each course.)

Motion: Ron Bast moved, seconded by Marie Skic, that the Board requests that Clete Hansen prepare a revised draft, as stated in the previous motion, and that he send it to the Rules Clearinghouse without further Board action. Motion carried unanimously.

REVIEW OF AUCTIONEER CONTRACT

The Board reviewed a letter sent to Colleen Baird by Attorney Daryl W. Laatsch, on October 18, 2001. The letter included a copy of the contract that Badger Auctioneers, Inc., is using at the present time.

Colleen Baird was not available to discuss the letter and the contract at the meeting; however, Ralph Draeger substituted for her and took note of additional changes that the Board would like Mr. Laatsch and Badger Auctioneers, Inc., to make to the contract.

Motion: Robert Massart moved, seconded by Marie Kohlbeck, that Badger Auctioneers, Inc., effectuate the changes required by the Board and send a revised contract to the Board no later than December 1, 2001. If Badger Auctioneers, Inc., does not meet this deadline, the previous order calling for a suspension will become effective. Furthermore, the Board authorizes Richard Lust to approve the contract after receiving the changes. Motion carried unanimously.

PRACTICE QUESTIONS

Bidding by Sellers

Since the Board did not receive copies of the rules of other states until the morning of the Board meeting, the Board agreed that this item should be scheduled for the next meeting. The agenda item for the next meeting should be titled: "Bidding by Sellers and Auctioneers."

MISCELLANEOUS INFORMATION/CORRESPONDENCE

Complaints Received in 2001

Noted

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

None

NEW BUSINESS

None

PUBLIC COMMENTS

None

RECESS TO CLOSED SESSION

The Board received a copy of the Case Status Report. While still in open session, the Board expressed concern that several investigative files have not yet been advanced to the next stage. The Board requested that the Division of Enforcement report on the status of open cases at the next meeting of the Board on December 10, 2001.

ADJOURNMENT

MOTION: Ron Bast moved to adjourn the meeting at 11:37 a.m.